



DOCKET FILE COPY ORIGINAL

Hickory Public Schools

432 Fourth Avenue SW, Hickory, North Carolina 28602

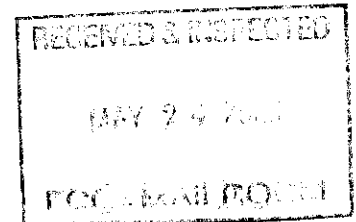
Phone: (828) 322-2855 • Fax: (828) 322-1834 • www.hickory.k12.nc.us

Assistant Superintendent
for Curriculum & Instruction
Dr. Ric Vandett

Superintendent of Schools
Dr. Duane Kirkman

Assistant Superintendent
for Business & Finance
Kathy H. Isenhour

Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of the)	File No. SLD -
)	
Appeal the Decision of the)	
)	
Universal Service Administrator)	
)	
by)	
The Hickory Public Schools District)	
)	
)	CC Docket N. 96 - 45
Federal-State Joint Board on)	
Universal Service)	
)	
Schools and Libraries Universal Service)	
Support Mechanism)	CC Docket No. 02 - 6

Appeal
and
Request for Review and Expedited Relief
on behalf of
The Hickory Public Schools District

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Original

"Extending Excellence"



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Friday, May 19th, 2006

FCC Contact

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Hickory Public Schools Contact

Jeff Tice – JeffTice@hickory.k12.nc.us
Hickory Public Schools
432 4th Ave. SW
Hickory, NC 28602
(828) 312-0717 – voice
(828) 322-1834 – fax

Funding Year: 2005 (7/1/2005 – 6/30/2006)

BEN: 127046

BEN FCC RN: 001202228

To Whom It May Concern:

This is an appeal of a decision rendered by the Schools and Libraries Division of USAC. Enclosed are three copies along with the original. Please time stamp one of the copies and return it to me in the enclosed, prepaid, Federal Express mailing envelope.

FY 2005 – Form 471 and Funding Request Numbers to which this appeal refers:

471 Number	FRN	Initial Funding Denial Notice	Appeal Filed	Appeal Denial Notice	FCC Appeal
460885	1349921	November 9, 2005	January 9, 2006	March 24, 2006	May 19, 2006
485886	1350223	November 9, 2005	January 9, 2006	March 24, 2006	May 19, 2006
485971	1350275	November 9, 2005	January 9, 2006	March 24, 2006	May 19, 2006
486067	1350530	November 9, 2005	January 9, 2006	March 24, 2006	May 19, 2006
486565	1350010	November 9, 2005	January 9, 2006	March 24, 2006	May 19, 2006
486768	1350641	November 9, 2005	January 9, 2006	March 24, 2006	May 19, 2006
486216	1349648	November 9, 2005	January 9, 2006	March 24, 2006	May 19, 2006
486583	1350104	November 9, 2005	January 9, 2006	March 24, 2006	May 19, 2006
486087	1348441	November 9, 2005	January 9, 2006	March 24, 2006	May 19, 2006



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SLD's Reasoning for continual Funding Denial

Background: During the late summer and early fall of 2005, Hickory Public Schools made its best effort, using the limited resources to which it has access, to successfully wade through the USAC process known as "Selective Review." Through the services of Jon Slaughter, of E-Rate Consulting Services, LLC, our Selective Review was submitted on September 14, 2005, within the time frame allowed by USAC. Hickory Public Schools was initially denied funding. The district appealed the decision, but was denied, yet again. Hickory Public Schools is now turning to the FCC, in hopes of receiving merciful consideration, resulting in a reversal of USAC's decision, which is believed to have been rendered incorrectly and prematurely.

- **Excerpts from initial USAC Funding Commitment Decision Letter (FCDL), dated November 9, 2005**
 - "...As a result of our review, we have determined that you do not qualify for funding under the FCC rules for governing the Universal Support Mechanism for Schools and Libraries. This determination was made after thorough review of the information that you presented to us regarding the resources necessary to effectively use the products and services you requested, as well as to pay the applicant share of the cost of the eligible services."
 - "Since you did not respond to our repeated requests for further information, we were unable to determine that you secured access to the resources outlined below":
 - "Budget: You did not demonstrate that you have secured the financial resources to pay your share...."



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- **Hickory Public Schools appeal response related to USAC's initial FCDL decision,**
 - Through an appeal submitted to USAC dated January 9, 2005, Hickory Public Schools successfully documented that it had indeed responded, within the time allowed, to all USAC requests of which it had knowledge.
 - The appeal also pointed out that included in the form 471 Item 21 attachment documentation, were specific budget line items detailing that the district had ample funding to support "the applicant share of the funding request."
- **Excerpts from the USAC Administrator's Decision on Appeal letter, dated March 24, 2005**
 - "In the response provided to the SLD on September 14, 2005, only the expense portion of the budget was provided." ... "Although the budget-related portions of the Item 21 Attachment **include** relevant revenue and expense lines to pay your e-rate share, there is no high level summary of your overall operating budget including the total amount of revenues and no indication whether the budget provided is a final approved budget..."
 - "Since complete budget information was not provided as requested, the school was asked again to provide a finalized operating budget showing both revenues and expenses, indicating where you have allocated the necessary dollars...
...As of October 24, 2005, the school failed to respond to further SLD inquiries; hence the SLD processed the application with the existing information on file."



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Hickory Public Schools response & information to support its appeal to the FCC

In addressing USAC's assertion that

Hickory Public Schools provided "only the expense portion of the budget," and that "there is no high level summary...":

- USAC has acknowledged in its own response (above) that the district provided the exact budget revenue/expense line items (in the Item 21 Attachment) relevant for supporting its portion of the funding requests (which in all cases contained adequate funding).
- The last page of the budget information that was submitted on September 14, 2005, (Item A), clearly shows that the finalized budget report was run during the third month ("current period 03") of the 2005-2006 fiscal year. The "account types" of the report are listed as "revenue" and "expense." The column heading "current 2006 budget" designates the document as the finalized budget and displays the requested revenue total, while the heading, "expenditures year-to-date," displays the requested expense total. We believe this page of the budget contains the information sufficient to satisfy USAC's very vague expectation of a "high level summary."

In short, USAC had in its possession sufficient information relating to the finalized 2005-2006 operating budget information, as well as guidance from the Item 21 attachment, pointing to the specific budget line items that were set aside to support the applicant portion of the requested funding, which should have enabled it to make a positive funding commitment decision on behalf of Hickory Public Schools.



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In addressing USAC's assertion in the appeal denial letter that Hickory Public Schools. "failed to respond": (see emails in Item B)

- Mr. Slaughter, was contacted in an effort to obtain a copy of the alleged USAC request that "the school was asked again to provide a finalized operating budget...."
 - He claimed not recalling having ever been in possession of any documented requests dated after our September 14, 2005 Selective Review submission.
- I contacted Bob Leipow, the original USAC reviewer in search of this illusive USAC request. His response was:
 - *"I am in no position to retransmit the information requests we sent to John Slaughter"*
- Upon the direction of Mr. Paul Stankus of USAC, I requested the information via the online "Submit a question," feature of the USAC website (Case # 21-419975). Response received:
 - *"Sorry, but we do not have any access to that kind of information here."*
- I then returned to Mr. Stankus, for further guidance. It should be noted that Mr. Stankus has been an exceptional resource for information as well as a true advocate for the district. However, after Mr. Stankus's research, he too was unable to retrieve the supposed USAC request in question.

Hickory Public Schools is simply appealing to the FCC on two fronts:

- 1) That Hickory Public Schools be afforded the opportunity to respond directly to the mysterious request in question, in a good-faith effort to show that once and for all, the district IS more than capable of paying its portion of the funding requests, as it has already been having to pay its request-related invoices in full since July 1, 2005.
- 2) That the FCC recognizes the district has already provided all requested relevant budget information; substantial enough to satisfy the FCC's requirement that the district be able to support its portion of the funding requests, and as a result, further considers directing USAC to acknowledge that the information it has in its possession is sufficient to issue a positive funding commitment on behalf of Hickory Public Schools.



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The premise of the E-Rate program is that it is supposed to HELP school systems get and stay connected to the Internet as well as provide additional financial assistance to reduce the budget strain of other eligible technology expenditures. Unfortunately, this has not been the case as of late, for Hickory Public Schools. In conjunction with funding being held hostage by USAC and E-Rate matters related to our requests and subsequent appeals, the district has been HURT by being delayed in having access to eligible resources and by having lost several months of precious time, which could have been better spent supporting the immediate technology needs of the students and teachers of our district.

The district stands ready to provide any relative budget information; checks cashed by vendors, bank statements or whatever documentation that will help USAC render a funding commitment approval. If a letter from my mom will help, that too can be arranged.

Due to the uncertainty as to which specific documentation the FCC would want to see in support of the claims made throughout this appeal, I have only included a few material items. However, PLEASE feel free to contact me for any additional documentation that would be required to support and approve this appeal.

Sincere thanks and appreciation for your time and consideration!

Jeff Tice
Director of Technology
Hickory Public Schools

Item A

Last page of Finalized 2005-2006 Budget Revenue Expense Report

RUN: 09/12/05 16:07:00 ISENHOUR
REPORT ID: BUDGET

BUDGET STATUS REPORT

CURRENT PERIOD 03, YTD DATA FROM FISCAL PERIOD JUL TO JUN

PI
MASTER

ACCOUNT	DESCRIPTION	CURRENT 2004 BUDGET	EXPENDITURES YEAR TO DATE	OUTSTANDING ENCUMBRANCES	BUDGET REMAINING	ADDITIONAL DELETION
*** TOTAL FOR **** REPORT ****		41,217,748.71	13,195,134.88	1,129,847.40	26,892,766.43	

-- END OF REPORT --

ACCOUNTS SELECTED: 4475, ACCOUNTS PRINTED: 1133 (DIFFERENCE IS BECAUSE ZERO ACCOUNTS NOT PRINTED)

SELECTION CRITERIA FOR THIS REPORT:

ACCOUNT TYPES: REVENUE EXPENSE.

SEGMENTS: -START- -END-
1 FUND 1 5

REPORT OPTIONS

=====

1 Enter Current Fiscal Month for Report..... 3
2 Starting Fiscal Period To Process..... 1
3 Ending Fiscal Period To Process..... 12
4 Starting Transaction Date To Include..... 7/01/05
5 Ending Transaction Date To Include..... 6/30/06
6 Enter Starting Batch Number to Include.....
7 Enter Ending Batch Number to Include.....
8 Enter Printer Name (blank for system default)..... PI

Item B

Emails Related to the Search for the Alleged USAC Request

Tice, Jeff (ADM)

From: Leipow, Robert [RLEIPOW@sl.universalservice.org]
Sent: Tuesday, March 28, 2006 10:12 AM
To: Tice, Jeff (ADM)
Subject: RE: Requests?

Jeff,

I am in no position to retransmit the information requests we sent to John Slaughter, your consultant (ERate Consulting Services - Montgomery, Alabama).

Accordingly, I would advise you to consult with John Slaughter on this matter.

It was a pleasure working with you, Jeff.

Bob Leipow
Selective Reviewer

-----Original Message-----

From: Tice, Jeff (ADM) [mailto:jefftice@hickory.k12.nc.us]
Sent: Tuesday, March 28, 2006 8:49 AM
To: Leipow, Robert
Subject: Requests?

Hey Bob!

I hope all is well in your world! I am in need of your assistance....

Would you please email me any requests for information you sent to Jon Slaughter, on our behalf, that were dated AFTER September 14th, 2005?

I'm attempting to establish a COMPLETE paper trail of the Selective Review process for my records.

Feel free to call if you have any questions on the matter. :-)

MANY Thanks!

- Jeff

Jeff Tice
Director of Technology
Hickory Public Schools
(828) 312-0717 - voice

Tice, Jeff (ADM)

From: Jon Slaughter [jslaughter@erateconsulting.com]
Sent: Tuesday, May 23, 2006 11:34 AM
To: Tice, Jeff (ADM)
Subject: Hickory Schools

To the best of my knowledge, I do not recall ever having in my possession a formal, documented request from USAC, related to Hickory Public Schools, after September 14th, 2005.



"America's Premier E-Rate Compliance Specialist!"

eRate Consulting Services, LLC

Jon Slaughter

jslaughter@erateconsulting.com

117 Brown Springs Road

Montgomery, AL 36117

tel: (334) 279-5405 ext 5

tel2: (888) 249-1661 ext 5

fax: (334) 279-5406

email disclaimer

Teach CanIt if this mail (ID 49478) is spam:

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Forget previous vote:

<http://canit.broadplex.net/canit/b.php?c=f&i=49478&m=9dcc4abf71fa>

Tice, Jeff (ADM)

From: Paul Stankus [pstankus@usac.org]
Sent: Friday, May 12, 2006 12:47 PM
To: jeff_tice@charter.net
Cc: Tice, Jeff (ADM)
Subject: RE: USAC requests

Hi Jeff

Now that I added you to "safe senders" you should not get "junked" :)

This type of request should best come from the client services bureau, or through submit a question. They have many more staff people who can dig through the correspondence and find the documents that you have requested.

Here is the link to submit a question.

http://www.slforms.universalservice.org/EMailResponse/EMail_Intro.aspx

Hope this helps

Paul Stankus

-----Original Message-----

From: jeff_tice@charter.net [mailto:jeff_tice@charter.net]
Sent: Friday, May 12, 2006 11:50 AM
To: Paul Stankus
Cc: jefftice@hickory.k12.nc.us
Subject: USAC requests

Hi Paul!

Since you mentioned my previous emails had been filtered to the JUNK folder :-), I am using a different address.

After further inspection of USAC's denial of our appeal (471 app 460885, ben 127046), USAC stated that after our response (via consultant) on 9/14/05, they made an additional request for clarification.... I do not have record of this request and am having difficulty getting my consultant to uncover this supposed request. I contacted the reviewer Bob Liepow, directly, and he would not assist, other than to say, "talk to Jon (the consultant)."

I was hoping you could crack open the file and forward me any and all communications between USAC & Jon Slaughter, dated 9/14/05 and/or later. Additionally, any responses submitted by Jon, after that date, would also be most helpful, as I'm prepping my FCC appeal.

MANY THANKS!

- Jeff

--
BEGIN-ANTISPAM-VOTING-LINKS

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Forget vote: <http://canit.directus.net/canit/b.php?c=f&i=805009&m=7a485e5464d6>

END-ANTISPAM-VOTING-LINKS

Tice, Jeff (ADM)

From: sldnoreply@sl.universalservice.org
Sent: Friday, May 12, 2006 3:05 PM
To: Tice, Jeff (ADM)
Subject: RE: Initial Contact case 21-419975

Thank you for your inquiry. Sorry, but we do not have any access to that kind of information here, just as Bob Liepow said, you will need to talk to Jon (if he is the one that submitted that information).

If you have any further questions, please feel free to contact our Schools and Libraries Helpline at 1-888-203-8100. Please remember to visit our website for updates:
<http://www.sl.universalservice.org>

Thank you,
Schools and Libraries Division
Universal Service Administrative Company

-----Original Message-----

From: jefftice@hickory.k12.nc.us
Subject: Initial Contact

[FirstName]=Jeff
[LastName]=Tice
[JobTitle]=Director of Technology
[EmailAddress]=JeffTice@hickory.k12.nc.us
[WorkPhone]=8283120717
[FaxPhone]=8283221834
[PreviousCaseNumber]=0

[FormType]=Appeal
[Owner]=TCSB
[DateSubmitted]=5/12/2006 2:16:57 PM
[AttachmentFlag]=N[FRN]=1455000
[FormType]=appeal
[ApplicationNumber]=460885
[Question2]=After further inspection of USAC's denial of our appeal (471 app 460885, ben 127046), USAC stated that, after our response (via consultant) on 9/14/05, they made an additional request for clarification.... I do not have record of this request and am having difficulty getting my consultant to uncover this supposed request. I contacted the reviewer Bob Liepow, directly, and he would not assist, other than to say, "talk to Jon (the consultant)."

I was hoping you could crack open the file and forward me any and all communications between USAC & Jon Slaughter, dated 9/14/05 and/or later.

Additionally, any responses submitted by Jon, after that date, would also be most helpful.

Many Thanks!

- Jeff

--
BEGIN-ANTISPAM-VOTING-LINKS

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Forget vote: <http://canit.directus.net/canit/b.php?c=f&i=810364&m=a3222f014811>

Tice, Jeff (ADM)

From: Paul Stankus [pstankus@usac.org]
Sent: Monday, May 22, 2006 4:17 PM
To: Tice, Jeff (ADM)
Subject: RE: Post 9/14/05

Attachments: RE Hickory Public Schools App 486768.htm



RE Hickory
Public Schools App
Jeff,

All I could find meeting your criteria is the 1 document above.

I checked most of the 33 -- many are separate versions of the same consultant. It is possible that I may have overlooked the requested documents, but this is all I could find.

Paul

-----Original Message-----

From: Tice, Jeff (ADM) [mailto:jefftice@hickory.k12.nc.us]
Sent: Monday, May 22, 2006 2:49 PM
To: Paul Stankus
Subject: Post 9/14/05
Importance: High

Hey Paul!

Checking in to see if you were ever able to locate the correct, Jon Slaughter, in reference to our Selective Review case from last fall. I am specifically interested in targeting the USAC statement related to my appeal of, "Since the complete budget information was not provided as requested, the school was asked again to provide a finalized operating budget for 2005-2006...."

I have no record of this request having been made by USAC. Jon Slaughter has not provided information surrounding such a request, USAC's "submit a question," process "doesn't have access to that information," Bob Liepow won't discuss the issue with me, referring me to Jon Slaughter... and my FCC appeal is due tomorrow, SO, I'm kind of stuck....

Thanks for any help you can provide!!! :-)

- Jeff

Jeff Tice
Director of Technology
Hickory Public Schools
(828) 312-0717 - voice

--
BEGIN-ANTISPAM-VOTING-LINKS

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